



Atty. Dkt. No. 054707-1276

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph P. Steiner *et al.*
Title: ROTAMASE ENZYME
ACTIVITY INHIBITORS
Appl. No.: 09/805,249
Filing Date: 03/14/2001
Examiner: Vickie Y. Kim
Art Unit: 1614

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Petitioner, GPI NIL HOLDINGS, INC., having its principal place of business at 222 Delaware Avenue, Wilmington, Delaware 19899, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application No. 09/805,249, filed March 14, 2001, which is a continuation-in-part of U.S. Patent Application No. 08/551,026, filed October 31, 1995 and a continuation-in-part of U.S. Patent Application No. 09/359,351, filed July 21, 1999, which is a continuation of U.S. Patent Application No. 08/693,003, filed August 6, 1996, which is a continuation of U.S. Patent Application No. 08/479,436, filed June 7, 1995, by virtue of an Assignment filed and recorded on October 23, 2001, on Reel/Frame 012281/0063, in the United States Patent and Trademark Office.

Further, Petitioner represents that it is the owner of U.S. Patent Application No. 09/873,298, a copy of which is attached hereto.

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Petitioner hereby disclaims the terminal part of the term of any patent granted on U.S. Patent Application No. 09/805,249 which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of any patent granted on U.S. Patent Application No. 09/873,298, and hereby agrees that any patent so granted on U.S. Patent Application No. 09/805,249 shall be enforceable only for and during such period that the legal title to any patent granted on U.S. Patent Application No. 09/873,298 shall be the same as the legal title to any patent granted on U.S. Patent Application No. 09/805,249, this agreement to run with any patent granted on U.S. Patent Application No. 09/805,249 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application No. 09/805,249, prior to the full statutory term of any patent granted on U.S. Patent Application No. 09/873,298 as defined in 35 U.S.C. §§154-156 and 173, in the event that any patent granted on U.S. Patent Application No. 09/873,298 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of any patent granted on U.S. Patent Application No. 09/873,298 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S. Patent Application No. 09/805,249 that would extend beyond the present termination of any patent granted on U.S. Patent Application No. 09/873,298, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on U.S. Patent Application No. 09/805,249 to the extent provided by law.

The undersigned, being the Attorney of Record for U.S. Patent Application No. 09/805,249, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the attached Assignment, and to the best of his knowledge and belief, legal title to U.S. Patent Application No. 09/805,249 and any patent granted on U.S. Patent Application No. 09/873,298 rests with Petitioner. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 10/6/2004

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By 

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